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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Programme budget implications of the draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" contained in document A/C.3/47/L.42

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in draft resolution

1. By operative paragraphs 7, 8 and 9 of draft resolution A/C.3/47/L.42 the General Assembly would:

> "7. Call upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and request the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;
>
> "8. Emphasize that any administrative and budgetary measures shall be provided without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;
>
> "9. Endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and request the Secretary-General:

"(a) To take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning in 1994-1995;

"(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force."

B. Relationship of requests to the approved programme of work

2. The requests contained in paragraph 1 above relate to subprogramme 1, Implementation of international instruments and procedures of programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997 1/ and to activities programmed under subprogramme 1 of section 28, Human rights, of the programme budget for the biennium 1992-1993. 2/

C. Activities by which the requests would be implemented

3. With regard to operative paragraph 9 of the draft resolution, which would endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4/ adopted by the respective States parties at their meetings on 15 January 1992 and 9 September 1992, the States parties also decided that the amendments should enter into force after approval by the Assembly and acceptance by two thirds of the States parties, which shall have so notified the Secretary-General as depositary. The full text of the amendments is found in the report of the Secretary-General (A/47/518) entitled "Implications of full funding for the operation of all human rights treaty bodies".

4. With regard to part (a) of operative paragraph 9 of the draft resolution, it should be recalled that the two committees in question are either partially or fully funded by assessments of States parties under specific scales of assessment. The Committee on the Elimination of Racial Discrimination is partially funded through assessments, i.e. only the travel and subsistence costs for the 18 members are covered by assessments. Conference-servicing costs, as well as staffing requirements are provided for under the regular budget. On the other hand, the Committee against Torture is fully funded through assessments, which include the travel and subsistence of the 10 members of the Committee, staffing requirements and the conference-servicing costs.

5. Should draft resolution A/C.3/47/L.42 be adopted and should the necessary ratification process be completed by the end of 1993, then beginning with the proposed programme budget 1994-1995 all requirements of these two committees would be provided for under the regular budget.

D. Additional requirements at full cost for the biennium 1994-1995

6. Should the General Assembly adopt draft resolution A/C.3/47/L.42, the full cost estimates of the funding of the two committees during the biennium 1994-1995 would be as follows:

	Convention on the Elimination of Racial Discrimination (1994-1995, at 1993 rates)	Convention against Torture (1994-1995, at 1993 rates)
Activities of treaty bodies		
	$	$
Travel and subsistence costs of members of the Committees		
18 members of the Committee on the Elimination of Racial Discrimination	475 000	
10 members of the Committee against Torture		231 600
Emoluments	140 000	80 000
Staffing requirements (1 P-4, 1 P-2, 1 GS)	-	556 800
Subtotal	615 000	868 400
Conference-servicing costs		
Four sessions of the Committees (two each year)	-	2 306 800
Meetings of States parties (biennial session in 1995)	-	54 200
Subtotal	-	2 361 000
Total	615 000	3 229 400

7. It should be noted that currently the substantive support to the Committee against Torture is provided by 1 P-4, 1 P-2 and 1 General Service, which in accordance with article 18, paragraph 3 of the Convention, are financed by the States parties. These staff resources will continue to be provided in 1994-1995 under the regular budget.

8. As discussed above, the States parties, in adopting amendments to the Conventions, also adopted similar amendments concerning the payment of honoraria. As detailed in the report of the Secretary-General (A/47/518) the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (art. 8, para. 7) and the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 18, para. 4) adopted the following amendment:

> "The members of the Committee established under the present Convention shall, with the approval of the General Assembly, receive emoluments from the United Nations resources on such terms and conditions as the General Assembly may decide".

9. Therefore, should the General Assembly so decide, emoluments would also be required for the 18 members of the Committee on the Elimination of Racial Discrimination and 10 members of the Committee against Torture. Under the terms of General Assembly resolution 35/218 of 17 December 1980 an amount of $5,000 per year would be provided to the Chairman and $3,000 per year to each of the members of the two committees. However, in a recent report of the Secretary-General now before the General Assembly (A/C.5/47/45) it is proposed to increase the rates of honoraria by 25 per cent. Should this proposal be adopted, the amounts mentioned above would become $6,250 per year for the Chairman of the Committee and $3,750 for the other members. Therefore, subject to a decision by the Assembly, these amounts ($70,000 annually for the Committee on the Elimination of Racial Discrimination and $40,000 annually for Committee against Torture) have provisionally been included in the total full cost estimate.

10. With regard to part (b) of operative paragraph 9, it should be recalled that, in the case of the Committee on the Elimination of Racial Discrimination, non-payment by a number of States of their assessments has resulted in the cancellation or curtailment of the Committee's sessions in 1986, 1989 and 1990. This trend has continued in 1992, a year in which the lack of sufficient funds resulted in the cancellation of the Committee's spring session and the curtailment of its summer session from three to two weeks. In the case of the Committee against Torture, there has not been a cancellation or curtailment of the Committee's sessions as a result of insufficient funds. Although an increasing number of States parties have accumulated arrears in their assessment, it is expected that sufficient resources would be available in 1993, thus enabling the Committee against Torture to meet as scheduled.

11. In operative paragraph 7 of the draft resolution, the General Assembly would call upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights and would request the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective. It would, therefore, be the intention of the Secretary-General to forward as early as possible in January 1993 to the States parties to the two Conventions assessment letters calling on the States parties to pay their contributions urgently. In

addition, the Secretary-General would endeavour to seek voluntary contributions to help to cover any shortfall.

12. In the light of the above and at this time it is not, however, possible to ascertain whether or not the Committee on the Elimination of Racial Discrimination would have sufficient funds in 1993 to hold its scheduled two 3-week annual sessions. It is estimated that the net requirements representing travel and subsistence allowance of the 18 members of the Committee for these two sessions would be $236,800.

13. Should there continue to be insufficient collection of assessed contributions and should voluntary contributions be insufficient to cover any shortfall, the Secretary-General intends to consult the Advisory Committee on Administrative and Budgetary Questions at an appropriate time in the spring of 1993 on the measures that may need to be taken in order to ensure that the Committee on the Elimination of Racial Discrimination meets as scheduled in that year.

E. Summary

14. Should the General Assembly adopt resolution A/C.3/47/L.42, it is estimated at this stage that no additional appropriation would be required for 1993. The necessary additional provisions for the financing of the Committee on the Elimination of Racial Discrimination and the Committee against Torture under the regular budget would be included in the proposed programme budget for the biennium 1994-1995.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II, as amended by A/47/6.

2/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. II.

3/ General Assembly resolution 2106 A (XX), annex.

4/ General Assembly resolution 39/46, annex.